IN THE HIGH COURT OF DELHI

Bail Application No.414/2007

Smt.Daya Rani Sharma ..... Petitioner
! through: Mr.J.P.Sengh, Adv. and
Ms.Sonia Khurana, Adv.

VERSUS

$ State & Anr. ..... Respondents
^ through: Mr.Anil Soni, Adv.

% DATE OF DECISION: 06.08.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether judgment should be reported in Digest?

: **PRADEEP NANDRAJOG, J.**

1. Petitioner Daya Rani Sharma seeks anticipatory bail in the eventuality of her being arrested in FIR No.1141/2006 P.S. Dabri attracting Sections 419/420/468/471/120-B IPC.

2. The complainant, Ishwar Singh Solanki, is stated to be a retired Assistant Commissioner of Police (ACP).

3. Inter alia, it is stated in the complaint that late Tek

Chand, father of the complainant sold a parcel of land comprised in part of Khasra No.303/304 Village Nasirpur to Ms.Daya Rani Sharma daughter of C.P. Sharma vide a sale deed executed in the year 1972. That Ms.Daya Rani Sharma died in the year 1974. That the petitioner whose real name was Raj Rani started impersonating herself as Daya Rani Sharma and interpolated the sale deed executed by father of the complainant in the year 1972 in favour of Daya Rani Sharma by inserting that not 1 but 2 plots were sold. It was further stated in the complaint that reference to plot No.6 in the sale deed was a result of manipulation.

4. On the basis of the complaint FIR in question under Section 419, 420, 468, 471 and 120-B IPC was registered.

5. Apprehending arrest, petitioner seeks anticipatory bail inter alia alleging that she is Daya Rani Sharma daughter of late Shri C.P.Sharma and that vide sale deed dated 3.5.1972 she purchased 400 sq.yds. of land constituting 2 plots bearing No.6 and 103 each measuring 200 sq.yds. from late Shri Tek Chand. That she constructed a house on plot No.103. Plot No.6 was vacant. In the year 1989 one Shri S.Chakravorty encroached upon 35 sq.yds. of land comprised in plot No.6.

She filed a suit for possession registered as Suit No.462/1989. The same was decreed on 7.10.1993. That complainant tried to encroach upon the plot. That a civil litigation in respect thereof is pending.

6. It is stated in the petition that the complainant being a retired ACP, local police is helping the complainant.

7. It is further stated in the petition that petitioner's elder sister Dayawanti was married to Rajender Kumar and she died on 2.7.1974. It is stated by the petitioner that the complainant is unnecessarily trying to project as if Dayawanti was named Daya Rani Sharma.

8. Having considered the rival submissions, the following facts stand out:-

(a) Petitioner litigated with S.Chakravorty in the year 1989 in her own name and obtained a decree against S.Chakravorty pertaining to 35 sq.yds. of land comprised in plot No.6.

(b) Petitioner and the complainant are involved in civil litigation in respect of plot No.6.

(c) One Dayawanti died on 2.7.1974. Her particulars are recorded as Dayawanti Sharma w/o

B.K.Sharma.

(d) According to the petitioner, Dayawanti was her elder sister and was married to B.K.Sharma.

(e) Vide sale deed dated 3.5.1972 registered on 10.5.1972 as document No.9400, additional book No.1, volume No.1744, pages 119 to 123, two plots each admeasuring 200 sq.yds. comprised in part of land constituting khasra No.303 and 304 Village Nasirpur have been sold to the petitioner. Seller being late Tek Chand, father of the complainant.

9. Prima facie, dispute between the complainant and the petitioner is a civil dispute. Whether by and under the disputed sale deed one plot was sold or two were sold can easily be determined with reference to the original sale deed and the registration particulars thereof available in the office of the Sub-Registrar where the sale deed has been registered.

10. I see no reason why petitioner should be subjected to custodial interrogation.

11. I accordingly dispose of the petition directing that the petitioner would join the investigation as and when required by the investigating officer and in the event of her

being arrested, the investigating officer shall release her on bail on petitioner furnishing a personal bond in sum of Rs.10,000/- with one surety in the like amount in FIR No.1141/2006 PS Dabri under Sections 419/420/468/471/120-B IPC.

12. Copy of this order be supplied dasti to learned counsel for the petitioner.

August 06, 2007 **PRADEEP NANDRAJOG, J.**
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